

APPENDIX 1

DRAFT PROPOSAL ON THE NUMBERING OF
APPLICATIONS FOR INDUSTRIAL PROPERTY RIGHTS

Background

1. Application numbers are primarily used by industrial property offices (IPOs) which receive the applications in order to identify each application. They are also utilized by second offices and applicants when priority is claimed. Recently, the need for indicating exact application numbers is increasing as priority certificates are exchanged among IPOs electronically, and access by IPOs or the public to electronic dossier over the Internet, using systems such as EPOLINE by the European Patent Office, AIPN by the Japan Patent Office, or PAIR by the United States Patent and Trademark Office, is available. In this regard, WIPO Standards cover formats and presentations for application numbers; however, formats actually employed by IPOs are still inconsistent, and this inconsistency poses some difficulties for other offices and the public as to the identification of application numbers.
2. Recognizing the importance of examining an ideal format for application numbers, the SDWG, at its fifth session in November 2004, unanimously approved to include the task relating to the revision of WIPO Standard ST.13 in the ST.10/C Task Force. The ST.10/C Task Force, accordingly, prepared and presented the previous version of this paper to the SDWG, at its sixth session in September 2005. The SDWG approved the proposal concerning further steps until the SDWG/7 meeting to be held in May/June 2006, in order to further explore an ideal format for application numbers.
3. This revised version of the study is prepared according to the steps agreed on at the SDWG/6 meeting.

Basic idea of draft format

4. As mentioned above, a harmonized format for application numbers has become increasingly important for both IPOs and the public. On the other hand, in order to achieve harmonization of the format, most offices have to change their numbering systems. Changing the formats of application numbers at IPOs may lead to modification of internal procedures, and especially for those offices who have introduced electronic filing or management system, such changes may cause additional time and cost.
5. Due consideration should be paid to strike a balance between these two contradicting aspects. In this regard, the Task Force should first present a basic idea on ideal format, and then elaborate its idea taking into account comments from interested parties.

Proposal on draft format for application numbers

6. Based upon an analysis of the existing WIPO Standards, etc. (see Appendix 2) and current practices at IPOs (see Appendix 3), as well as comments from SDWG members, the ST.10/C Task Force presents the following draft format for application numbers for consideration by the SDWG.

7. The following proposal consists of seven sections and each section has two groups of items. The items in the first group of each section are less controversial, and the ST.10/C Task Force would like to propose agreement on these items, at the SCIT/SDWG/7 meeting, in order to facilitate discussions on the format for patent applications. In the meantime, the items listed in the second group need to be discussed further.

(a) General

Items to be agreed first:

- This Standard covers application numbers for all types of industrial property right applications, including trademark applications.
- An indispensable part of the application number consists of a code for type of industrial property right, a year designation and a serial number.
- A code for place of filing and a control number can also be included in the application number as an optional part.
- Both alphabetic and numeric characters are used.
- The country code is not part of the application number except in cases described in Section (e). However, for representation, the application number should always be preceded by the country code of the corresponding office.
- Sequence of indispensable elements is <type> <year> <serial> where
<type> is the type of industrial property right
<year> is the year
<serial> is the serial number.

Items to be discussed further:

- Is a distinction between an application number and a publication number (e.g., WIPO Standard ST.6) needed?
- Should applications under the PCT, Hague and Madrid System be covered by this Standard? If so, how can WIPO Standard ST.3 accommodate numbering system of these international applications? It should be noted that the numbering system of the PCT is stipulated in Section 307 of the Administrative Instructions under the PCT.
- How many digits should the total number of characters be? The total number can be from 13 to 16.

(b) Type of industrial property right

Items to be agreed first:

- Code for type of industrial property right forms an indispensable part of the application number.
- Numeric character is used to represent the type of industrial property right in order to avoid possible confusion with the country code, which is represented by two alphabetic characters in accordance with WIPO Standard ST. 3.

Items to be discussed further:

- Are there any other types of industrial property rights than those listed in WIPO Standard ST.13 (e.g., medicament patent in WIPO Standard 16)? Concerning the inclusion of trademarks, it was agreed at the SCIT/SDWG/6 meeting that this matter be referred to the Trademark Standards Task Force that would report back to the SDWG at the seventh session, and that the work of the ST.10/C Task Force should continue in the meantime.
- Should additional information (e.g., types of applications such as PCT applications entered in the national phase) be included in codes for types of industrial property rights or in codes for internal use? (See section (e.))
- Should this code be extended to two digits or more in order to accommodate complex types of industrial property rights in an organized manner? If so, how are different types of industrial property rights organized? Should the usage of the second digit be determined by each office? The following is an example of a two-digit presentation of types of industrial property rights: (Please note that this example is just for illustration of organized structure and not a concrete proposal.)

- 1: patent applications
 - 10: applications for patents for inventions
 - 11: applications for plant patents
 - 12: applications for design patents
 - 13: applications for SPCs
 - 14-16: reserved for use by each office
 - 17-19: reserved for future use
- 2: utility model applications
 - 20: ...
- 3: trademark applications
 - 30: ...

(c) Year designation

Items to be agreed first:

- Year designation forms an indispensable part of the application number.
- According to the Gregorian calendar.
- Four digits.

(d) Serial number

Items to be agreed first:

- Serial number forms an indispensable part of the application number.
- Fixed length with leading zeros.
- Starts at the number 1 each year.
- Parallel numbering series, each starting at the number 1, for different types of industrial property rights.

Items to be discussed further:

- Should all the IPOs employ the same number of digits (e.g., six digits at all IPOs) or should the number of digits be left to the discretion of each office?
- Should the maximum number of digits be six or seven? Currently, no country/organization has an annual number of applications that actually reaches seven digits (Japan accepted the largest number of about 420,000 in 2004); however, the number of applications generally demonstrates an upward trend and Standard on application numbers cannot be changed frequently.

(e) Code for internal use

Items to be agreed first:

- Code for internal use forms an optional part of the application number.
- Two digits.
- The code for internal use can be used at the discretion of each office.
- The code for internal use, for example, is used for indicating place of filing where there is an overlap in the number sequence between different regional offices within a country or an organization. When the country code is used for identifying different member offices of intergovernmental organizations, WIPO Standard ST.3 applies.

Items to be discussed further:

- In the case of the regional code, should the International Standard ISO 3166-2 (see Appendix 2) be employed as far as applicable? It is to be noted that the distribution of IPOs' branches is not always consistent with administrative subdivisions defined in International Standard ISO 3166-2.
- Where should the code for internal use be inserted? Between the year designation and the serial number, after the serial number, or in other positions?
- Should the type of application, such as PCT applications entered in the national phase, be included in the code for internal use or in the type of industrial property right? (See Section (b.))

(f) Control character

Items to be agreed first:

- Control character forms an optional part of the application number.
- The rules set out in paragraph 10 of WIPO Standard ST.10/C should be followed.
- Control character should consist of a single numeral.
- Control character is put at the end of the application number.

Items to be discussed further:

- Should the control character not be a part of the computer readable form?

(g) Separator

Items to be discussed further:

- Should separators be limited to one or several characters as in WIPO Standard ST.13 (space only) or should various characters, such as a full stop, a comma, a slash, a hyphen, or a space, be accepted as in WIPO Standard ST.10/C?
- Should the separator not be a part of the computer readable form?

[Appendix 2 follows]